REMARKS

Claims 1-31 are currently in this application with claims 2 and 8 cancelled and claims 1, 3, 4, 6, 7, 9-12, 14-16, 23, and 31 amended herein. No new matter has been added by this amendment.

Initially, the office action objects to claims 23, 26, 28, 30 and 31 due to certain informalities, it is submitted that as amended herein, the cited informalities have been addressed, and withdrawal of the objections is requested.

Next, the office action rejects claims 6, 15, 16, 26, and 31 under 35 U.S.C. § 112, second paragraph as indefinite. With respect to claims 6, 15, and 26, the office action objects to the term "transparent." The Examiner cites a definition for the term transparent which is alleged to be different from the usage of that term in the instant specification. Initially, the Examiner is reminded that the applicant is free to be his own lexicographer, and that the claims in question themselves provide sufficient definition for the term transparent. Further, the definition provided by the Examiner is not contrary to the Applicant's definition. Indeed, the Examiner's definition is merely complimented by the further explanation offered by the Applicant. The mode in question, the transparent mode, would in fact be such that the user would not know that it was transpiring, thus it would be invisible to the user. But in addition to being invisible to the user, the mode is such that the IP address is not changed. Thus it is submitted that the term transparent does not render claims 6, 15, and 26 indefinite.

As to claim 16, the term "may" has been amended to recite "is." And with respect to claim 31, it is submitted that as amended the claim clearly states that is comprises <u>at least one</u> of

the recited configurations. Based on the foregoing, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is requested.

On the merits, the Examiner rejects claims 1-31 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 7,073,055 to Freed.

Independent claims 1, 7, 12, 16 and 31 have been amended herein to clarify the distinguishing features of the instant invention. Specifically, each of these claims recites a network device, also called a service policy director, which receives an authentication message or authentication request message, and utilizes the information included in the authentication message to determine or create a user service policy that is utilized for future management of the user's traffic.

While it is submitted that the cited reference does also involve the creation of a service profile, the relied upon portions of Freed teach a method of creation of such a profile similar to those described in the Discussion of the Prior Art in the instant application. That is the user server must push a service policy to the service-providing servers or alternatively the access server stores a service policy and the service-providing servers then service providing servers must query the access server. Both of these arrangements, as described in the application, create excess network traffic.

In contrast, as amended, and in conformity with the specification, the service policy director of the instant claims creates the service policy from the authentication message. This is done in a transparent fashion either by passing the authentication through the service policy director, having the service policy director act as a proxy, or by sending copies of the message to the service policy director. (See Figs. 1a-1c).

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Accordingly, unlike the device in Freed, there need not be any communication between the authentication server and the service providing server. When a user is attempting to access a certain service, rather, than having the access server send a service policy for a user to the service providing server or have the service providing server query the access server, the service policy director itself directs a user request to an appropriate service providing server based on the service policy it created from information in the authentication request.
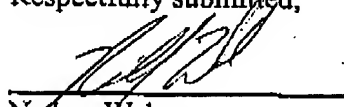
Therefore it is submitted that independent claims 1, 7, 12, 16 and 31 patentably distinguish over the relied upon portions of the cited references and are allowable. 3-6, 9-11, 13-15, and 17-30 which depend from one of these allowable base claims are allowable therewith.

CONCLUSION

In view of the above amendments and remarks, it is believed that claims 1, 3-7, and 9-31, 19-23 and 25-50 are in condition for allowance. Passage of this case to allowance is earnestly solicited.

Any fee due with this paper, may be charged on Deposit Account 50-1290.

Respectfully submitted,

Nathan Weber
Reg. No. 50,958

CUSTOMER NUMBER 026304
PHONE: (212) 940-8800
FAX: (212) 940-8986
Docket No.: 101092-00072)

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